IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUMMONS FOR JUDGEMENT NO.1171 OF 2003
IN
SUMMARY SUIT NO.3010 OF 2003

Mr.Krantikumar Agarwal .. Plaintiff

Vs.

M/s.Ferrodie P.Ltd. .. Defendant

Mr.M.R.Desai for the plaintiff

Mr.V.P.Patil for the defendant

CORAM : S.U.KAMDAR, J
DATED : 31ST AUGUST, 2005

P.C.:

. The present suit is filed on the basis of goods sold and delivered. There are purchase orders, invoices and delivery challans in respect of gods sold and delivered. In an affidavit in reply the only defence raised is that there were two firms known as M/s.R.K.Industries and M/s.Aseem Steels and Industrial Components and certain payments are made to that companies. They are required to be adjusted against the suit claim. The so-called claim for adjustment is based on no document. However, with a view to give an

opportunity to the defendants to defend the suit, I direct the defendants to deposit a sum of Rs.2,44,000/-within 4 weeks failing which plaintiffs will be entitled to decree. If the said amount is deposited the Prothonotary and Senior Master is directed to invest the same in any Nationalised Bank in Fixed Deposit initially for a period of 3 years and then renew the same from time to time till further orders of this court. If the amount is deposited then suit is to be transferred to the list of Commercial Causes. Written Statement or points of defence to be filed within four weeks from today. Affidavits, list of documents to be filed within four weeks thereafter. Inspection within four weeks thereafter. Suit to be on board of the learned Judge taking Commercial Causes.